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AF | GP 2821

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. Schaffer	§ Group Art Unit:	2821
Serial No.:	10/046,596	§ Examiner:	Chuc Tran
Filed:	October 23, 2001	§ Atty. Dkt. No.:	ITL.0588US (P11729)
For:	Providing Integrated Chassis Antenna for Processor-Based Devices	§ Confirmation No.:	2881
Customer No.:	21906		

Mail Stop Appeal Brief - Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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REPLY BRIEF

Dear Sir:

This reply is in response to issues raised in the Examiner's Answer (Paper No. 11), dated September 29, 2003.

A. Claim Construction During Prosecution

As indicated in the Examiner's Answer, the remaining issues are primarily focused on the construction of the terms "integrated" and "integrating." In the Examiner's Answer, the Examiner relies on an interpretation of the terms "integrated" and "integrating" that is not consistent with the definition specifically provided in the specification of the above-referenced application. For example, the Examiner states "as broadly as reasonably allowed, attaching or mounting the microstrip antennas to housing 202 clearly renders the over all antenna structure as

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being an integral part of the computer chassis." See Paper No. 11 at page 5. In contrast, the terms "integrated" and "integrating" are specifically defined in the specification as "form[ed] or forming from material that forms a chassis and remaining contiguous, in part, with the chassis." See specification at page 8, lines 18-20 (emphasis added).

The Appellant is aware that in certain cases the term "integral" may be construed to cover more than a unitary construction. Specifically, in the past, the Board has construed the word "integral" as encompassing a multi-piece structure. *See, In re Morris*, 127 F.3d 1048, 1054; 44 U.S.P.Q. 2d 1023 (Fed. Cir. 1997). In contrast to the Appellant in *In re Morris*, the present Appellant has included an express definition for the terms "integrated" and "integrating" in its specification. When an express definition of a term is given in the specification, it should be taken into account; it would be unreasonable for the United States Patent and Trademark Office (USPTO) to ignore this interpretive guidance. *Id.* at 1054, 1056. Thus, under the proper construction of the terms "integrated" and "integrating," the integrated structure is formed from the material that forms a chassis and remains contiguous, in part, with the chassis. For a structure to remain contiguous with the chassis during or after formation suggests the structure and the chassis are unitary. For example, a description of antenna 103 in the specification is as follows:

In one embodiment, the antenna 103, shown in Figure 1, is integrated into the chassis by being formed out of the surface 105 of the chassis 101. The left 106, right 107, and top 109 of the antenna 103 may be released from the surface 105 while a bottom edge 111 may remain attached to the surface 105. The antenna 103 may be bent away from the surface 105 of the chassis 101 along the bottom edge 111. The vertical section 113 may then be bent upward from the base section 115 with one possible configuration being a vertical section 113 generally coplanar with the surface 105 of the chassis 101.

See Specification, page 3, line 24 through page 4, line 9 (emphasis added).

Clearly, the definition of the terms “integrated” and “integrating” set forth in the specification should not be ignored and should be taken into account when determining the patentability of the claims. In the present application, the Applicant has done exactly what the Federal Circuit has said an applicant needs to do to cause the term “integral” to be interpreted in a particular manner. Thus, it is respectfully reasserted that Crawford does not teach an integrated antenna or an antenna integrated into the chassis as called for in claims 1 and 4 respectively. For at least this reason, and for reasons set forth more fully in the Appeal Brief the reversal of the Examiner’s rejections is respectfully requested.

B. Grouping of Claims

In the Examiner’s Answer, the Examiner failed to agree with the Appellant that certain claims do not stand or fall together. The Examiner strongly believed that all the claims stand or fall together, especially since the Appellant failed to particularly set forth compelling reasons which would warrant otherwise. While the Examiner strongly believes one way, it has respectfully urged that the Appellant has met the requirements for the Board to consider the groupings separately. Hence, the Appellant again asserts its request to have the Board consider each grouping separately.

Claim 1 calls for an integrated chassis antenna that is coupled to a computer chassis. Pursuant to this claim, the type of antenna that is coupled to the computer chassis is an integrated antenna. In other words, the term “integrated” describes the type of antenna coupled to the computer chassis. That the antenna is coupled to the computer chassis does not negate it being integrated per the definition set forth in the specification.

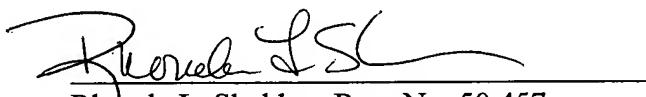
Claims 4 and 9 call for an antenna integrated into the chassis. In these claims, the term “integrated” describes the relationship between the antenna and the chassis as set forth in the specification. Thus, the term in these claims takes on a different role, albeit based on the same definition. Thus, claims 4 and 9 should be considered separately from claim 1.

Claim 14 calls for integrating an antenna with the chassis. As used in claim 14, the term "integrating" describes the act of integrating the antenna with the chassis pursuant to the definition set forth in the specification.

Thus, because claims 1, 4, 9 and 14 are not identical, the Board is respectfully requested to honor the groupings set forth in the Appeal Brief.

Respectfully submitted,

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